REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 16-22 and 24-29 are pending in the application, with Claims 16 and 21 being the independent claims.

The Examiner rejected Claims 16-19 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,216,106 to *John* in view of U.S. Patent No. 5,280,521 to *Itoh*, U.S. Patent No. 6,477,243 to *Choksi et al.* (hereinafter, *Choksi*) and U.S. Patent No. 6,185,433 to *Lele et al.* (hereinafter, *Lele*). The Examiner rejected Claims 16-19 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Choksi*, *Lele* and U.S. Patent No. 6,304,636 to *Goldberg et al.* (hereinafter, *Goldberg*). The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Goldberg*, *Choksi*, *Lele* and U.S. Patent No. 3,866,206 to *DeGiorgio et al.* (hereinafter, *DeGiorgio*). The Examiner rejected Claims 21-25 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Lele* and *Goldberg*. The Examiner rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Lele*, *Goldberg* and *DeGiorgio*.

Regarding the §103(a) rejections of Claims 16-19 and 27-29, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by *John*, *Itoh*, *Goldberg*, *Choksi* and *Lele*.

John discloses a method for providing voice message status stored in a voice messaging system. *Itoh* discloses a system for setting up a channel in a portable telephone system. *Goldberg* discloses a system for forwarding voice messages to a called party using electronic mail. *Choksi* discloses a system for automatic confirmation of a receipt of a facsimile message by the intended recipient thereof. *Lele* discloses a method for determining an operational status of a communication device.

Claim 16 has been amended to incorporate subject matter from dependent Claim 18. Specifically, amended Claim 16 recites that the confirmation message is a data burst message transmittable/receivable to/from a base station during a call or in an idle state.

The Examiner contends that *Goldberg* describes a determination of whether a called party of the called mobile station has read a received message. The Examiner further contends that *Goldberg* describes that the confirmation message is generated by the called mobile station when the called party of the called mobile station has read the received message.

Column 1, lines 12-20 of Goldberg, are set forth below:

> With the advent of cellular phones and pagers, an indi-
> vidual person may have multiple telephone numbers asso-
> ciated with them. Telephone routing systems exist to auto- 15
> matically route calls intended for a called party to multiple
> phone numbers in an attempt to reach the called party. For
> example, a routing system can automatically route telephone
> calls for a called party to the called party's business phone,
> then home phone, then cellular phone, then pager device. 20

Thus, *Goldberg* actually describes that a routing system can automatically route telephone calls for a called party to a cellular phone.

Further, the claims of *Goldberg* clearly set forth that *Goldberg* relates to a method of providing a voice message at a computer.

Column 3, lines 28-49, of *Goldberg* are set forth below:

After the e-mail is sent, the calling party is given the
option of remaining on hold by node 12 if the called party   30
was determined to be on-line at step 110. When the called
party retrieves or opens the e-mail, the voice message in the
form of the audio file can be listened to by the called party,
or the text message can be read by the called party. Opening
the e-mail automatically generates an indication that the   35
e-mail was opened. The indication is sent to node 12. In one
embodiment, the indication is a confirmation e-mail that is
automatically generated and sent to node 12 when the
received e-mail is open by the called party. At step 160, node
12 provides the calling party with a confirmation that the   40
e-mail has been opened when the indication is received. If
the calling party remains on hold, the confirmation that the
called party has opened the e-mail is immediately received
by the calling party. If the calling party does not wish to
remain on hold, the calling party can request a call back from   45
node 12 when the called party opens the e-mail. Therefore,
this step provides the calling party with the option of
immediate feedback when the called party retrieves the
voice message.

Thus, *Goldberg* describes that when the called party retrieves or opens the e-mail, the

voice message can be listened to by the called party or the text message can be read by the called

party. Opening the email automatically generates an indication that the e-mail was opened.

The present invention is related to a method of transmitting a confirmation message from

the called mobile station directly to the calling mobile station. However, *Goldberg* describes that

the calling party can immediately receive confirmation that an e-mail is opened if the calling

party remains on hold. If the calling party does not wish to remain on hold, the calling party can

request a call back from node 12 when the called party opens the e-mail.

Goldberg fails to disclose that the confirmation message is a data burst message

transmittable/receivable to/from a base station during a call or in an idle state, as recited in

amended Claim 16.

Column 5, lines 10-35, column 6, lines 34-36, and column 7, lines 39-45 of *John* describe

a state of a message ("play' or " delete"), but fails to teach or suggest that the confirmation

message is a data burst message transmittable/receivable to/from a base station during a call or in an idle state, as recited in amended Claim 16.

John and *Goldberg* fail to remedy the deficiencies of *Choksi*, *Itoh*, and *Lele*, and we believe amended Claim 16 is patentable over the combination of *John*, *Itoh*, *Goldberg*, *Choksi* and *Lele*.

Regarding Claims 17-19 and 27-29, Claim 18 has been cancelled without prejudice. While not conceding the patentability of the dependent claims, *per se*, Claims 17, 19, 28 and 29 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 16, 17, 19, 28 and 29 are allowable over *John*, *Itoh*, *Goldberg*, *Choksi*, *Lele*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejections of Claims 20-26, independent Claim 21 has been amended in a manner similar to that of Claim 16. Therefore, amended Claim 21 is patentable over the combination of *John*, *Itoh*, *Goldberg* and *Lele* for reasons similar to those set forth above with respect to amended Claim 16.

Regarding Claims 20, 22 and 24-26, Claim 24 has been cancelled without prejudice. While not conceding the patentability of the dependent claims, *per se*, Claims 20, 22, 25 and 26 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 20-22, 25 and 26 are allowable over *John*, *Itoh*, *Goldberg*, *Choksi*, *Lele*, *DeGiorgio*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 16, 17, 19-22 and 25-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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